

Judges SPW-KLD

March 6th 2023

Dennis M Friedt
AO:3015408
700 Conley Lake Road
Deer Lodge, MT 59722

Cause NO: 1:22-cv-00038 SPW-KLD.

Dennis M. Friedt
Plaintiff

vs.

MOTION

Request of The Court to move
a Amended Complaint of my
Constitution Amendment Rights
Lower District Court 1st Judicial
Lewis and Clark County.

1st Judicial District Court
Lewis and Clark County
Defendant.

To: Clerk, Gilman or Gesh,
RE: 1:22-cv-00038 SPW-KLD.

Comes now I, Dennis Martin Friedt hereby request of this
Court to Amend this 42.1983 of Constitutional Amendment
rights. I Filed a Constitutional Statute of Authority
challenge 5.1 of Federal Rules of procedure 2021 Edition
in the Case Law Brown v. Giantorte. The statute

(2)

was § 46-18-201 (3)(a)(iv)(A) or (3)(d) of the M.C.A. Compilers annotated code Book 2022. PLUS § 46-11-201 Leave to File information to determine if a crime has been committed to charge defendant. Was it ever Filed in District Court?

11(i)

§ 46-18-201. A D.C. Sentencing statute.

In Friedt's original Sentencing Judgement For Felony DUI in Dawson County and Richland County Judges, Katherine Bidegany and Judge Siminton (now deceased) may he rest in peace. These Judges Combined Both DUI's and Fourth Kindness on Friedt to send him to Rehab Prison at Watch East in Glendive. Which Friedt is for ever grateful. The point is in 5th v. Tracy, 2005 NT 128 when Mike McGarth was Attorney General he backed this case on sentencing. Friedt's original case

(3)

Takes control over the second sentence DC-17-1111 in punishment and length of years on a D.O.C. sentence. Friedt was on his suspended time when Judge Donald L. Harris sentenced Friedt on DC-17-1111 a sexual crime of 4-Counts. A sex crime is 20 years according to statute. The D.A. sent a Email to a Public defender Greg Puskell telling him she would not charge Friedt with the child sexual assaults see Appendix. She never mentioned any Parole restriction or S.O.P.I class. In state v. Knapp 2022 MT 35N see Appendix. It tells what Authority a District Judge has, He or she cannot order Parole Restrictions on a D.O.C. sentence or 4 Tier Level Designation or order sex class's.

4,

And if that case was only meant for one person
 Then it becomes a Discrimination issue. I presume it
 violates Equal Protection of the law. After all I am
 illiterate in knowing the law, but learning as we go.

¶12.

The Point of Amendment

DC-13-108 The original Sentence has priority over
 DC-17-1111 and The Judge knew I was on probation on
 DC-13-108. Judge Bidegory Did "NOT" "REVOKE"
 my case or add a "P.F.O" to it. Instead she let it
 continue to run giving DC-13-108 Statutory —
 Authority over DC 17-1111 in the number of
 years to New Hired Judge Could give me to
 make a Statement to the Community of his
 ATTITUDE Toward Alleged Sexual Assaults

in my case, to boost his standing⁵ For Re-Election in the Community. In laymans terms I was to be his Poster Conviction. First case to make a statement to our Community. -

11(3) Constitutional Statute Challenge Rule 5.1
 App. P.R/4 (4) Case law Brown v. Giantorte 2021 MT/49
 Second Sentence Appendix(C) the language says
 Friedt is committed to Montana State Prison "UNDER" § 46-18.201
 for Fifty Years 25 Suspended Sexual assault see.,
 Exhibit A E-mail from D.A to Fired Public Defender who
 never told the Court. She would not charge "Friedt"
 with "4 counts" Child Sexual Assaults But Appendix
 3. sentencing Judge ment says different then Plea
 agreement. IF there had been one. It was never

(e)
 prepared or agreed upon with the Judge, or D.A. or
 Friedt and an attorney to represent Friedt. See,
 Exhibit B.1 Information of what evidence there was or
 wasn't. A mention of a (b)1-binding agreement that was
 never drawn up. The disagreement between which attorney
 I trusted, what tests were and were not done. The
 lame explanation of D.N.A. Testing. No mention of
 preliminary hearing or 3.8. Evidence by D.A. Rule 3 of
 District Court Rules was used. The forensic's § 46-
 10-202 that was done without the Judge and I don't
 present to defend and cross examine. Rule 3 is
 ex parte matters communication which suppose to
 be forbidden according to the 13th Judicial District
 Courts Courtroom Rule Book. I have a complaint

(7)
 Exhibit C Affidavit of Complaint signed by retired Judge with a rubber stamp. I met the Judge in clerks area in June of 2017 picking up my Divorce Papers when Pedro told me he was retired Feb, 2017. He was bringing coffee and muffins to his wife. So this Exhibit is illegal Plus the Forensic interview without myself and the Judge to be able to cross examine and Defend. This Judges I believe violates Due Process and Equal Protection of the law. Like I said I am illiterate to our laws.,

(4) DC-13-108 vs. DC 17-1111

In Appendix A is a run down of my Original Sentence in the P.O's Violation Report Show my D.O.C. Sentence And Suspended time. Appendix C. Show the Judge name.

8.

The revocation Petition and no P.F.O. Therefore giving DC-13-108 the original Sentence Priority over DC-17-1111, of Sexual assault, 4 counts that Exhibit A said the D.A. would not charge defendant Friedt with. That being the case what did "Friedt" get charged with in DC 17-1111? Friedt filed Constitutional Challenge of statute for Sentencing and the Chief Justice of the Supreme Court E-mailed Judge Christopher David Abbott to make it a commencement of INVALIDITY, "Dismissed". I Paid Cash for this Civil Rights lawsuit and the Court Dismiss & without Due process is in my Opinion, "THEFT, FRAUD, PERJURY in a Court of law. See, Appendix D. my Complaint. In Appendix (F) the summons

(e₁)

Date 30 days later when Complaint and Summons was mailed together. Notice the scratching out of Civil No.

DDV-721 signed and sealed by the clerks at Court.

Appendix (G) letter of notice telling me that DDV-2022-

721 does not exist But DDV 2022-721 does when Michael F

McMahon Judge makes the Assumption of a Dismissed

Case, Nov. 17, 2022 The Assumption Oct 26th 2022 and

then Sharon Knapp sends a affidavit of mailing of a

Dismissed Case, 26 Oct 2022. Magistrate and Judge I am

no rocket scientist but Fraud is Fraud. ? ! ,

Appendix (G.1 and G.2) In Appendix (E) Brown v. Garfante

2021 MT 149 the [Overview] stating I could challenge

the Constitutionality of S.B. 170 [2]. § 46-18-201 is a 5 year

commitment and the rest of my time suspended.

(10)

under U.S. Const art 1 § 10 and Montana Const art 11 § 31 in the priority of DC-13-108 controls DC 17-1111 in language and length of sentence of it counts to run "Concurrent" with DC-13-108. I should be on suspended time 6 month ago. Sept 17, 2022 at 7:30 am. Rule 14 (4) Mont. App P. 14) Filing of declaratory Judgment I held Back from the Supreme Court so the Chief Justice did not Dismiss my challenge. Like He did anyway by means of Theft, Fraud, perjury. The Chief Justice told me in a Filing Dec 13, 2022 That "Quote" the Montana Legislation Can change Federal law without asking The NINTH Circuit or Congress. to make their rulings Applicable to fit the needs of his Court. Appendix D) when I used APP BRD 1 Board of Pardons v. Allen 182 U.S 369

11

Appendix (F) copies of certified Return receipts service the Court and the ATTORNEY General of Rule 5.1 Constitutional Challenge of a statute § 46-18-201 to include § 46-11-201 leave to file information in order to issue warrant and charge with murder/rape/3 count sexual assault.

Appendix (D.) Cash paid for Civil Rights Law Suit that was made Invalidity of Commencement of Proceedings by E-mail chief Justice. McBarth. I challenged him he stole my money not Courts gratis.

Appendix (D. 1) M.C.A. § 46-18-201 (3)(a)(iv)(A) or (3)(d) the D.O.C. Sentencing Statute. Appendix (D. 2.) Headnotes of St. v. Tracy 2005 MT 128-. Appendix (P) is case law North Carolina v. Pearce, 395 U.S. 711 (1969) Appendix 25 McDonald v. Jacobson 2022 MT 160. the MT 1... 1...

^{12.}
 in Appendix(P.1) Rule 3 of the 13th Judicial District Courtroom
 Rules of Ex Parte Communications which was seen in Affidavit
 of Complaint with Pedro Hernandez rubber stamped signature.
 ladies I believe this is a Constitutional Amendment Violate.
 In Appendix(C) P.21. All of this Headnote's were Violated.
 The Defamation continues notices the victim Family members
 had requested. And the dealing's with Attorneys to protect my
 children. Appendix Breaking News Report, Double Jeopardy
 Information App(F) pg 25 violated BYH Counts of assault
 when E-mail dismissed all 4 counts in Exhibit A. dated.
 Dec 4, 2017. In exhibit ATTY.1 Rule 5.1. Constitutional
 challenge of 2 statutes. § 46-18-201 Sentencing Statute and
 § 46-11-201 Leave to File information in order to
 charge for a crime signed by a District Court Judge.

13.

In original [F] OP 22-0338 The order on Rule 60(b) from the Court offering a chance for rehearing and denying it immediately, is this considered Due Process Judge?

9/16. Direct Appeal Dismissed (NO ATTORNEY)

In Appendix Original [W] the order Nov 12, 2019 Dismissing the Direct Appeal without a attorney to represent, A. 6th Amendment Violation. also Appendix (L) Ineffective assistance of Appellate Counsel. Please look at Certificate of Service by Contracted a Attorney Brian C. Smith. who gave the responsibility to Chad Wright to represent me at the Direct Appeal. Since it is against statute for a defendant inmate to be present at the Hearing. on the back Page of Appendix (W) Certificate of Service. Friedt sued Chad Wright

15.
 The chief Justice for stealing money from me in
 a legitimate Civil Rights law suit. And then he
 takes 2 District Court Judges down with him
 to commit the conspiracy of fraud and perjury
 to intentionally harm Friedt for using S.B. 140 and
 its Authority. When he did the dismissal he
 lost the challenge by admission of Guilt.

¶1(7) Request This Court To order R.O.A. in DC 17-1111
 Plus Court transcripts from Sept 17, 2017 to April 16th
 2018 at 2:30pm. or I move the Court to unseal the
 record DC-17-1111 in the oral on speaker and the
 written on transcripts or protect my Constitutional
 Amendment Rights. Please.
 Thank you
 Dennis M. Friedt